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DEPARTMENT OF REGULATION AND LICENSING FOR PRIVATE DETECTIVES
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Advisory Committee Membership

We would like to welcome Dennis Waller to the Private Detective Advisory Committee and bid farewell to David Cihlar and Robert Hoag. We appreciate the time and effort expended by committee members, attending committee meetings and providing advice and counsel.

Biennial Budget Bill

License Fees. The Biennial Budget Bill was passed and enacted as 2001 Wisconsin Act 16. The Bill increased original license fees for all the professions regulated by the Department and its boards from \$44 to \$53. It also increased the renewal fees of private detective agencies from \$47 to \$53, private detectives from \$89 to \$101, and private security persons from \$49 to \$53.

PRIVATE DETECTIVE ADVISORY COMMITTEE

Members of the Committee:

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Administrative Staff:

Cletus J. Hansen, Division Administrator

Executive Staff:

Oscar Herrera, Secretary
Greg Horstman, Deputy Secretary
Myra Shelton, Executive Assistant

Licensing Changes. In the last issue of the Regulatory Digest we explained at great length the proposed changes that the Department urged the Legislature to include in the Biennial Budget Bill. All of these changes fell by the wayside, as the Joint Finance Committee and the Legislature worked on the bill. Therefore, if the proposals are to proceed in the current Legislature, the Department will have to have them redrafted and will have to get a bill introduced early in 2002. If we are unsuccessful in 2002, we will have to consider trying again in the 2003-2004 Legislature.

The Department is still attempting to obtain the following statutory changes:

1. *Repeal rulemaking mandate under inapplicable federal law.* Remove the last sentence of sec. 440.26 (3m), Stats. because it refers to a federal standard for armored cars.
2. *Submittal of application materials.* Remove restriction in Wis. Stat. § 440.26 (5) (c) 2., requiring the private detective agency employer to submit a photograph and the fingerprints of an applicant and allow the applicant to submit this information.
3. *Employed directly or indirectly.* Remove the phrase "directly or indirectly" from the exemption provision in Wis. Stat. § 440.26 (5) (b). Retain an

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exemption for a person "employed by the state or a municipality."

4. *Renumber and reorganize Wis. Stat. § 440.26.* Restructure the section and add titles to various provisions currently included as untitled paragraphs within statutory subsections. Some sections should be renumbered as subsections and titled to reflect their contents.

5. *Pre-license and continuing education.* Add authority for the Department to adopt rules relating to training and education as a requirement for a private security permit and for continuing education for private security persons and private detectives as a condition for renewal.

6. *Renewal dates.* Change renewal dates for private detective agencies to even the workload for the Department.

7. *Permit eligibility.* Create a license for employers of private security personnel. Delete the requirement that only private detective agencies may employ private security personnel.

Licensing Statistics

The number of active licensees and permit holders, as of January 14, 2002:

Private detective agencies - 621
Private detectives - 993
Private security permits – 9,500

Processing of Private Security Permits

Following the terrorist attacks of September 11, 2001, the Department reviewed its own security procedures and it reviewed the procedures for issuance of private security permits. The Department subsequently eliminated the issuance of conditional permits to applicants for a private security permit; however, it continued to issue temporary permits following the receipt of a satisfactory criminal record report from the Wisconsin Crime Information Bureau (CIB), but before receiving a report from the FBI.

The Department had developed the procedures for a conditional permit several years ago, whereby the applicant signed an affidavit and agreed to receive a permit before the Department had received an FBI report. The applicant further agreed that the Department could revoke the permit without a hearing, if the FBI report showed a felony conviction.

While the temporary permit still results in the granting of a permit before the receipt of an FBI report, the Department is required by statute to grant such 30-day permits.

Fingerprint Cards and FBI Reports

With the elimination of the conditional permits for private security personnel and in view of the 30-day limitation on temporary permits, the speed at which the FBI is able to send criminal record reports to the Department has become a critical issue for private security companies. Technically, if the FBI report does not reach the Department by the end of the 30-day temporary permit, the permit holder cannot legally engage in the practice of a private security person until he or she has received a regular permit.

Representatives of the Department and the CIB met to explore ways to speed up the FBI reporting process. The first step was for both departments to make the highest priority of sending fingerprints to the FBI. The second step will be to send fingerprints electronically to the FBI. This will dramatically shorten the time for receiving a report; however, both agencies will have to acquire fingerprint scanning equipment.

Looking at the last two batches of fingerprint cards sent to the FBI immediately before the preparation of this newsletter, the following lists show the time it took to receive the FBI reports:

Reports Received on December 18, 2001. Received 53 FBI Criminal Record Reports

1 was received in 7 days
1 in 19 days
13 in 28 days
13 in 29 days
13 in 32 days
9 in 33 days
1 in 34 days
1 in 39 days
1 in 108 days

Reports Received on December 21, 2001. Received 72 FBI Criminal Record Reports

2 were received in 21 days
6 in 22 days
3 in 23 days
11 in 24 days
2 in 25 days
14 in 28 days
28 in 30 days
5 in 31 days
1 in 38 days

Private Detective Advisory Committee

The following actions or discussions were entertained by the Advisory Committee at its meeting on November 7, 2001:

The meeting packet included a copy of a memo from Division Administrator Clete Hansen to the Committee on September 22, 2000, listing the conditions for carrying a concealed weapon, as previously recommended by the Committee. The Committee reviewed an e-mail message sent to Clete Hansen by Chief Doug Pettit of the Oregon, Wisconsin Police Department, informing Hansen that the Wisconsin Law Enforcement Coalition (consisting of 16 law enforcement agencies) will oppose any bill that would permit private detectives to carry concealed weapons.

Committee members discussed AB 529 that would exempt retired police officers from the prohibition against carrying concealed weapons and the potential adverse impact this bill might have on the Committee's proposal.

The Committee voted in favor of revising the administrative rules to require continuing education at some time in the future.

The Committee briefly discussed the Final Report and Recommendations of the Governor's Task Force on Privacy, dated December 2000. Committee members expressed strong opposition to various provisions in bill that had been introduced. John Schatzman agreed to send to the Department a copy of the position statement prepared by PAWLI regarding privacy and open records.

Survey of Opinion

Here are the results of the survey that was published in the last issue of the Regulatory Digest. Not very many licensees responded. However, we thank those who did respond.

1. 78 Yes, I am a licensed private detective in Wisconsin.
2. My name and address: _____.
3. 64 Yes; 19 No. I believe licensed private detectives should be permitted to carry a concealed weapon after having satisfied requirements that are more stringent than those that currently apply to firearms permits granted to private security personnel.

4. 48 Yes; 34 No. If the law were changed and if my employing private detective agency would permit me to carry a concealed weapon when on duty as a private detective, I would do so (at least some of the time).

5. 46 Yes; 33 No. I believe that applicants for a private detective license should be required to complete pre-license education, as well as pass the licensing exam, before being eligible for a license.

6. 44 Yes; 45 No. I believe that private detectives should be required to obtain a certain number of department-approved continuing education courses every 2 years, in order to renew their license.

7. 24 Yes; 56 No. I am an owner or officer of a private detective agency that employs private security personnel.

Please answer the following question only if you answered yes to #7.

8. 12 Yes; 12 No. I would support the motion of the Private Security Advisory Committee to change the law to require a minimum of 8 hours to cover basic training for private security persons within the first 90-days of training, with the following contents: introduction to security; standards of conduct, dress, and behavior; legal aspects of security; report writing; safety and fire detection; patrol procedures; when and how to notify public authority; and human relations.

9. Additional Comments (continuing ed. topics):
Thirty-eight comments received.

Disciplinary Actions

BRIAN W NEWLUN

COLORADO RIVER INVESTIGATIONS

MADISON WI

SURRENDER/COSTS

As a private detective he was contacted by a legal assistant for the purpose of obtaining personal service of documents on out-of-state child support clients. Documents that were returned to the legal assistant were not properly stamped with notary seals, and all of the signatures on the documents appeared to be similar or the same. He admitted that he had been falsifying notary public signatures and the sheriff process servers names. He provided false names of alleged process servers and notary publics and billed the legal assistant. Pay costs of \$1,000.00. Effective 10/2/2001. Sec. 440.26(6)(a)2., Stats. RL 35.01(2),(21) Case #LS0110022RAL

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New Telephone Directory

The Department of Regulation and Licensing has recently implemented an IVR Auto-Attendant Telephone System. This system may be accessed 24 hours a day for computerized licensing information. We ask for your patience as we perfect the system and remove some of the bugs we have encountered. You may continue to dial the following telephone number; **however, the extension numbers that had been published in past issues of the Regulatory Digest are no longer valid.** Please listen to the new menu for the new extension numbers. The number to dial is:

(608) 266-5511

Visit the Department's Web Site

www.drl.state.wi.us

For our new "Online Verification of Credential Holders" click on the "Business and Professional License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to web@drl.state.wi.us

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Rules Relating to the Practice of Private Detectives and Private Security Personnel can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated April 2001.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided, but may be verified by calling the Bureau office one week after mailing the changes.

SECTION 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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